

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION	)	
OF THE LEWES BOARD OF PUBLIC	)	
WORKS FOR A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO	)	PSC DOCKET NO. 20-0722
PROVIDE WATER SERVICE PURSUANT	)	
TO 26 <i>DEL. C.</i> § 203C (“TOWER HILL”)	)	
(FILED OCTOBER 30, 2020)	)	

**ORDER NO. 9715**

**AND NOW**, this 6th day of January 2021, the Delaware Public Service Commission (“Commission”) determines and orders the following:

**WHEREAS**, on October 30, 2020, the Lewes Board of Public Works (“Lewes BPW”) filed an application (“Application”), pursuant to 26 *Del. C.* § 203(C)(e)(1)b.1., with the Commission seeking a Certificate of Public Convenience and Necessity (“CPCN”) to provide water services to two (2) parcels of land in Sussex County, Delaware, more specifically identified as Tax Map Parcel Nos. 335-8.00-2.00 and 335-8.00-2.02 and referred to as “Tower Hill” (the “Proposed Service Area”); and

**WHEREAS**, Commission Staff (“Staff”) reviewed the Application to ensure compliance with the statutory provisions of 26 *Del. C.* § 203C and 26 *Del. Admin. C.* § 2002, the Commission’s “Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities” (the “Regulations”); and

**WHEREAS**, Staff notes that the Application included evidence that Lewes BPW had mailed to the landowners of record in the Proposed Service Area a notice regarding the Application and the options available to the landowners of record. In addition, Lewes BPW provided evidence

via affidavits of publication to show that it had published notice of the Application in two newspapers of general circulation. Finally, to determine whether the Commission should deny the requested CPCN as set forth in 26 *Del. C.* § 203C(f), Staff solicited comments from the Delaware Department of Natural Resources and Environmental Control (“DNREC”), the Office of the State Fire Marshal (“SFM”), and the Office of Drinking Water of the Division of Public Health (“ODW”). DNREC, SFM, and ODW responded and confirmed they have no issues relating to Lewes BPW’s ability to provide safe, adequate, and reliable water services to its existing customers. Staff also notes that it has received no other comments regarding Lewes BPW or the Application, and no landowners of record included in the Proposed Service Area have objected to the Application or elected to “opt-out” of the Proposed Service Area; and

**WHEREAS**, Staff has submitted to the Commission a memorandum, which the Commission incorporates herein by reference, confirming the Application meets all of the requirements for granting Lewes BPW a CPCN for water services pursuant to 26 *Del. C.* § 203C and the Regulations. No errors or omissions were found. Accordingly, Staff has recommended that the Commission approve the Application;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE  
VOTE OF NO FEWER THAN THREE COMMISSIONERS:**

1. Pursuant to 26 *Del. C.* § 203C, the Commission grants Lewes BPW a CPCN to provide water services to the Proposed Service Area identified as Tax Map Parcel Nos. 335-8.00-2.00 and 335-8.00-2.02.

2. Lewes BPW shall comply with any and all federal, state, county, and local statutes, ordinances, orders, regulations, rules, and permit conditions that are applicable, or may become applicable, to any matter involving water utility services provided to the service territory granted by this CPCN.

3. The Commission reserves the jurisdiction and authority to enter such further orders in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Dallas Winslow, Chairman

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Joann Conaway, Commissioner

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Harold Gray, Commissioner

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Manubhai "Mike" Karia, Commissioner

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Kim F. Drexler, Commissioner

ATTEST:

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Donna Nickerson, Secretary